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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,344	05/07/2001	Hiroshi Yokoyama	PW 0277195 TK(F)-060-US	1120
909	7590	08/13/2004	EXAMINER	
PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102			FONTAINE, MONICA A	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Advisory Action</b>	<b>Application No.</b> 09/849,344	<b>Applicant(s)</b> YOKOYAMA ET AL.	
	<b>Examiner</b> Monica A Fontaine <i>Maf</i>	<b>Art Unit</b> 1732	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 05 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

- 1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
- 2. ☐ The proposed amendment(s) will not be entered because:
  - (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

- 3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
- 4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
- 5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
- 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- 7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_  
 Claim(s) objected to: \_\_\_\_\_  
 Claim(s) rejected: \_\_\_\_\_  
 Claim(s) withdrawn from consideration: \_\_\_\_\_

- 8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
- 9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 10. ☐ Other: \_\_\_\_\_

Continuation of 5. does NOT place the application in condition for allowance because: although applicant contends that Nakamura et al. (US 5518390) does not teach claim 1, the rejection in the paper mailed 13 November 2004 is maintained.

Applicant contends that Nakamura et al., hereafter "Nakamura," do not teach the instant invention because they does not disclose or suggest that the correction value for a current injection operation is obtained. This is not persuasive because obtaining a correction value for a current injection operation is not claimed. The claim currently reads "using a calculated correction value...for a second shot of the injection operation". Applicant concedes that Nakamura discloses obtaining "the correction value...for the next shot of an injection operation" (see page 4, last paragraph, of the paper filed 5 August 2004). In this instance, the difference between what Nakamura teaches and what is being claimed is not evident.

Applicant contends that Nakamura does not teach the instant invention because he teaches shifting to open loop control of injection velocity by using the correction value instead of the claimed shifting to open loop control of injection velocity by command data generate from the correction value and the previous command data. This is not persuasive because Nakamura clearly shows shifting to open loop control of injection velocity by using command data generated from the correction value and the previous command data (Column 2, lines 24-26, 34-42; It is noted that previous command data will be used in the calculation of the correction value.).

Applicant contends that Nakamura does not teach the instant invention because it is implicit in his disclosure that feedback control is used when a deviation occurs. This is not persuasive because open claim construction does not exclude the presence of an additional feedback control step.

It is noted that Column 3, lines 4-15 is cited to further show the calculation of the correction factor, which is used during Nakamura's open loop control.

Applicant contends that Nakamura does not teach the instant invention because he teaches open loop control of the hydraulic drive circuit, not open loop control of injection velocity. It is noted that in lines 9-12 of page 5 of the paper filed 5 August 2004, applicant concedes that Nakamura discloses shifting to open loop control of injection velocity. It is maintained by the examiner that Nakamura teaches open loop control of injection velocity by command data generated from the correction value and previous command data (Column 2, lines 24-42, 55-56; Column 4, lines 30-37). However, to answer the arguments in lines 20-29 on page 5 of the paper filed 5 August 2004, if Nakamura does not teach direct open loop control of the injection velocity, it is set forth by the examiner that open loop control of the hydraulic drive circuit will result in open loop control of the injection velocity, since the hydraulic drive circuit is operationally connected to the injection cylinder (Column 3, lines 44-52; Column 4, lines 30-37).

Applicant contends that the rejections of claims 3-5 are not proper for the same reasons as those of claim 1, which have been discussed above.



**MICHAEL P. COLAIANNI**  
**SUPERVISORY PATENT EXAMINER**